

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**GOLD'S GYM FRANCHISING, LLC** )

**and** )

**GOLD'S GYM LICENSING, LLC,** )

**Plaintiffs,** )

**v.** )

**MISSOURI MARTIAL ARTS, INC.** )

**and** )

**JAY D. D'AMATO,** )

**Defendants.** )

Case No. 4:07-CV-01040-JCH

**CONSENT PERMANENT INJUNCTION**

This matter having come before the Court for the entry of a preliminary injunction with the consent of the parties, it is ordered, adjudged and decreed as follows:

1. Plaintiff Gold's Gym Franchising, LLC ("Gold's Gym") is a limited liability company organized and existing under the laws of the state of Delaware with its principal place of business in Irving, Texas.

2. Plaintiff Gold's Gym Licensing, LLC ("GGL") is a limited liability company organized and existing under the laws of the state of Delaware with its principal place of business in Irving, Texas.

3. Defendant Missouri Martial Arts, Inc. ("MMA") is a Missouri corporation with its principal place of business at 16 North 10th Street, Columbia, Missouri 65201.


4. Defendant Jay D'Amato is a citizen and resident of the state of Missouri.


5. This Court has subject matter jurisdiction over this action and personal jurisdiction over Defendants MMA and D'Amato.

6. Venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims in this case occurred in this judicial district.

7. Plaintiff Gold's Gym is engaged in the business of granting franchises to qualified, independent business persons to operate Gold's Gym health and fitness centers worldwide using Gold's Gym's distinctive business format, system of operations, and proprietary names and marks. Gold's Gym franchisees are licensed to use the trade names, service marks, and trademarks of Gold's Gym and to operate under the Gold's Gym System, which involves the operation of Gold's Gym health and fitness centers utilizing specially-designed buildings with special equipment, equipment layouts, interior and exterior accessories, identification schemes, products, health and fitness programs, management programs, services, standards, specifications, proprietary marks, and information.

8. Plaintiff GGL owns certain federally registered trademarks, including the federal registrations in the International Classes listed in the table below (collectively "the Gold's Gym Marks"):

Registration No.	Registration Date	Mark	International Class
1,203,098	7/27/1982	Gold's Gym	41
1,404,419	8/5/1986	Gold's	41
1,835,743	5/10/1994		41

			
1,845,939	7/19/1994		41
2,212,364	12/22/1998	Serious fitness for every body	41
2,668,786	12/31/2002	Changeyourbody/changeyourlife	41
3,008,816	10/25/2005	It all starts here	41

9. Absent the prior written authorization from Plaintiffs, or either of them, Defendants are permanently enjoined and restrained, under penalty of contempt of court, from using any of the Gold's Gym Marks in connection with the advertisement or sale of any goods or services listed in the registration certificate of each of the Gold's Gym Marks.

10. This Proposed Consent Permanent Injunction relating to the Gold's Gym Marks is consented to by the parties.

Respectfully submitted,

Dated: January 8, 2008

GOLD'S GYM FRANCHISING, LLC and  
GOLD'S GYM LICENSING, LLC,

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*Attorneys for Plaintiffs*

Dated: January 8, 2008

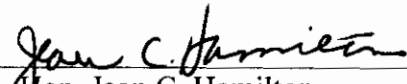
MISSOURI MARTIAL ARTS, INC. and  
JAY D. D'AMATO

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*Attorneys for Defendants*

**IT IS SO ORDERED:**

Date: 2/11/08

  
Hon. Jean C. Hamilton  
District Court Judge